

HOUSE BILL REPORT

SSB 6579

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to juvenile interrogation.

Brief Description: Requiring parents be notified when a juvenile is taken into custody.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/17/06, 2/22/06 [DP].

Brief Summary of Substitute Bill

- Requires a reasonable attempt be made to provide notification to a parent, guardian, or custodian that his or her child has been taken into custody by law enforcement and where the child is being held.
- Creates a joint task force to review practices, protocols, and policies regarding the interrogation of juveniles in the custody of law enforcement.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

Law enforcement officers may detain a person in custody to investigate violations of the law. When a person is questioned by law enforcement, the person is not necessarily in "custody." A person is in "custody" if there is a formal arrest or if a reasonable person in a suspect's position would have felt that his or her freedom was curtailed to the degree associated with a formal arrest.

If a juvenile is held in custody by law enforcement for questioning, there is not a legal requirement to notify the juvenile's parents that the juvenile is in custody or where he or she is being held.

Summary of Bill:

When law enforcement takes a child into custody a reasonable attempt must be made to notify the child's parent, guardian, or custodian that the child has been taken into custody and inform the child's parent, guardian, or custodian where the child is being held.

A joint task force is created to review statewide practices, protocols, and policies regarding the interrogation of juveniles in the custody of law enforcement, as well as the laws of other states regarding custodial interrogation. The joint task force shall consist of the following members:

- (a) one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- (b) one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives;
- (c) the Attorney General or the Attorney General's designee;
- (d) a member designated by the Washington prosecutors association;
- (e) a member of the Washington State Patrol, designated by the Chief of the state patrol;
- (f) a chief of police and a sheriff designated by the Washington Association of Sheriffs and Police Chiefs;
- (g) a member designated by the Washington Association of Criminal Defense Lawyers;
- (h) the Secretary of the Department of Social and Health Services or the Secretary's designee;
- (i) the Superintendent of Public Instruction or the Superintendent's designee;
- (j) the Executive Director of the Office of Public Defense or the Executive Director's designee;
- (k) a representative of the Superior Court Judges Association;
- (l) a member of the Washington Defender Association;
- (m) a member who is a law enforcement detective experienced in juvenile crime, as designated by the Washington Council of Police and Sheriffs; and
- (n) the following members, jointly appointed by the Speaker of the House of Representatives and the President of the Senate:
 - (i) a member of an organization that provides assistance to persons who are victims of juvenile crime;
 - (ii) a representative of an organization that primarily provides services to children involved with the juvenile justice system;
 - (iii) an academic with a doctorate degree in child development; and
 - (iv) a parent of a juvenile.

The task force must report on the work of the task force to the appropriate committees of the Legislature by January 1, 2007.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) Parents have a fundamental interest in being involved with their kids. It is right for law enforcement to notify parents when a child is taken into custody. Parents need to know where their children are and that they are not lost or abducted. It is frightening for parents to know their children are gone and not know where they are. This situation can cause parents to be resentful and destructive in their involvement in the process. Though we agree parents should be notified, we can't agree on the parent's role. We need to get together to decide the role of the parent in these situations. It is good to be proactive and look at this issue.

Testimony Against: None.

Persons Testifying: (In support) Senator McAuliffe, prime sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; and Jennifer Shaw, American Civil Liberties Union.

Persons Signed In To Testify But Not Testifying: None.